

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

PROMEGA CORPORATION,

Plaintiff,

MAX-PLANCK-GESELLSCHAFT ZUR
FORDERUNG DER WISSENSCHAFTEN
E.V.,

Case No.: 10-CV-281

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION,
INVITROGEN IP HOLDINGS, INC., and
APPLIED BIOSYSTEMS, LLC,

Defendants.

**JOINT STIPULATION AND MOTION TO AMEND JUNE 24, 2010 PROTECTIVE
ORDER (DKT. 31)**

WHEREAS, Paragraph 8(a) of the Protective Order entered by the Court on June 24, 2010 establishes that ATTORNEYS' EYES ONLY and CONFIDENTIAL material may be disclosed to: "(a) No more than one (1) in house attorney for each party, outside counsel for the parties, whether trial counsel or not, and associate attorneys, paralegal, secretarial and clerical employees assisting such counsel, except for any such persons and/or others directly involved in the ongoing preparation and prosecution of any patent application with claims directed to the subject matter of the patents in suit or related subject matter";

WHEREAS, Promega Corporation ("Promega") has requested to amend Paragraph 8(a) of the Protective Order to expand the number of in house attorneys allowed access to

ATTORNEYS' EYES ONLY and CONFIDENTIAL material from one (1) to two (2) in house attorneys;

WHEREAS, Promega's request is based on the addition to Promega's internal legal team of Brandon Lewis, Esq. who was formerly employed by the law firm of Troupis Law Office, LLC, which has or is imminently ceasing operations and is Promega's former counsel of record in this matter;

WHEREAS, while previously employed at Troupis Law Office, LLC and as Promega's outside counsel, Mr. Lewis already had access to all ATTORNEYS' EYES ONLY and CONFIDENTIAL materials at issue in this case;

WHEREAS, Life Technologies Corporation, Invitrogen IP Holdings, Inc., and Applied Biosystems, LLC (collectively, the "Defendants") do not object to Promega's request based on those certain circumstances set forth above;

WHEREAS, the parties have therefore agreed to expand the number of in house attorneys with access to ATTORNEYS' EYES ONLY and CONFIDENTIAL material;

The parties, Promega and the Defendants, by and through their respective counsel, STIPULATE AND AGREE, subject to the approval of the Court, that:

1. Paragraph 8(a) of the June 24, 2010 Protective Order is amended to read as follows:

"(a) No more than one (1) in house attorney for each party (or, for so long as Brandon M. Lewis is employed as an in house attorney at Promega Corporation, two (2) in house attorneys for each party, provided that, in the case of Promega Corporation, one of those in house attorneys shall be Brandon M. Lewis), outside counsel for the parties, whether trial counsel or not, and associate attorneys, paralegal, secretarial and clerical

employees assisting such counsel, except for any such persons and/or others directly involved in the ongoing preparation and prosecution of any patent application with claims directed to the subject matter of the patents in suit or related subject matter”.

2. No other changes to the June 24, 2010 Protective Order are authorized hereby.

Dated: January 16, 2013

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

By: /s/ Timothy C. Saulsbury

By: /s/ Thomas G. Saunders

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